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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,343	09/25/2003	Shawn Joseph Baranczyk	ROC920030213US1	7069
30206	7590	01/22/2008	EXAMINER	
IBM CORPORATION			HOMAYOUNMEHR, FARID	
ROCHESTER IP LAW DEPT. 917			ART UNIT	
3605 HIGHWAY 52 NORTH			PAPER NUMBER	
ROCHESTER, MN 55901-7829			2132	
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			01/22/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
After the Filing of an Appeal Brief**

Application No.

10/671,343

Examiner

Farid Homayounmehr

Applicant(s)

BARANCZYK ET AL.

Art Unit

2132

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The reply filed 12/6/07 is acknowledged.

1. ☐ The reply filed on or after the date of filing of an appeal brief, but prior to a final decision by the Board of Patent Appeals and Interferences, will not be entered because:

a. ☐ The amendment is not limited to canceling claims (where the cancellation does not affect the scope of any other pending claims) or rewriting dependent claims into independent form (no limitation of a dependent claim can be excluded in rewriting that claim). See 37 CFR 41.33(b) and (c).

b. ☐ The affidavit or other evidence is not timely filed before the filing of an appeal brief.
See 37 CFR 41.33(d)(2).

2. ☐ The reply is not entered because it was not filed within the two month time period set forth in 37 CFR 41.39(b), 41.50(a)(2), or 41.50(b) (whichever is appropriate). Extensions of time under 37 CFR 1.136(a) are not available.


Note: This paragraph is for a reply filed in response to one of the following: (a) an examiner's answer that includes a new ground of rejection (37 CFR 41.39(a)(2)); (b) a supplemental examiner's answer written in response to a remand by the Board of Patent Appeals and Interferences for further consideration of rejection (37 CFR 41.50(a)(2)); or (c) a Board of Patent Appeals and Interferences decision that includes a new ground of rejection (37 CFR 41.50(b)).

3. ☒ The reply is entered. An explanation of the status of the claims after entry is below or attached.

4. ☒ Other: The amendment does not overcome the 101 rejection of claim 29. Claim 29 still claims a program code, which is intangible. Note that the claim is still directed to the program code. Even if the claim requires the program to be stored in a medium, the claim still is directed to a program code. The claim would be statutory if it was directed to the medium that stores the program code. Note also that the specification does not provide a solid definition for recordable computer readable medium.

The rejection under section 101 of claim 29 is maintained.

The rejection under section 103(a) of claims 1-11, 13-24, 26-29 is maintained.


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